

Sec. 6. Auditor and treasurer to keep account. The treasurer and auditor of state shall each keep an accurate account of the moneys so deposited.

That sections seven hundred nineteen (719) to seven hundred twenty-two (722), inclusive, of the compiled Code of Iowa, are amended, revised, and codified to read as follows:

Sec. 7. Publication of legal notices. The compensation, when not otherwise fixed, for the publication in a newspaper of any notice, order, citation, or other publication required or allowed by law, shall not exceed one dollar (\$1.00) for one (1) insertion, and fifty cents (50c) for each subsequent insertion, for each ten (10) lines of brevier type, or its equivalent, in a column not less than two and one-sixth (2 1/6) inches in width.

Sec. 8. Selection of newspapers. Publications may be made in a newspaper published once a week or oftener. The plaintiff or executor or his attorney, in all publications concerning actions, executions, and estates, may designate the newspaper in which such publication shall be made.

Sec. 9. Refusal to publish. If publication be refused when copy therefor, with the cost or security for payment of the cost, is tendered, such publication may be made in some other newspaper of general circulation at or nearest to the county seat, with the same effect as if made in the newspaper so refusing.

Sec. 10. Days of publication: When the publication is in a newspaper which is published oftener than once a week, the succeeding publications of such notice, shall be on the same day of the week as the first publication. This section shall not apply to any notice for the publication of which provision inconsistent herewith is specially made.

Sec. 11. Posting advertisements. In all cases where an officer in the discharge of his duty is required to post an advertisement or notice, he shall, when not otherwise provided, be allowed twenty-five cents (25c) and the same mileage as a sheriff.

Sec. 12. Party to pay for publication. Publications required by law, shall, in the first instance, be paid for by the party causing publication, and shall be taxed as costs in the proceeding.

Approved February 20, 1924.

CHAPTER 27
COAL MINES AND MINING
S. F. 41

AN ACT to amend, revise, and codify chapter one (1) of title five (5) of the compiled code of Iowa, and of the supplement to said code, relating to coal mines, and mining.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter one (1) of title five (5) of the compiled Code of Iowa, and of the supplement to said Code is amended, revised, and codified to read as follows:

CHAPTER 1
COAL MINES AND MINING

Section 1. Board of examiners. The executive council shall, on or before June thirtieth of each even-numbered year, appoint a board of five (5) examiners, consisting of two (2) practical miners and two (2) mine operators, all holding certificates of competency as mine foremen, and one (1) mining engineer, each of whom shall have had at least five (5) years' actual experience in his profession immediately preceding his appointment, who shall hold office for a term of two (2) years, and until their successors have been appointed and have qualified.

Sec. 2. Qualifications--malfeasance--removal. No member of said board shall be interested in or connected with any school, scheme, plan, or device having for its object the preparation, education, or instruction of persons in the knowledge required of applicants for certificates of competency. Any member of said board shall be summarily removed from office by the executive council, upon due notice and hearing, for violation of the law, malfeasance or misfeasance in the performance of his duties or for other sufficient cause and his successor shall thereupon be appointed by the said executive council for the unexpired term.

Sec. 3. Meetings--regulations--examinations--notice. The board shall meet in the office of the state mine inspectors at the seat of government on the first Monday in March of each even-numbered year for the examination of applicants for certificates of competency for mine inspector, and at such other times and places as shall be necessary in the discharge of its duties. They shall adopt rules and regulations and prescribe and conduct such examinations of applicants as shall carry out the purpose and intent of this chapter in relation to the qualifications of mine inspectors. Notice of all such examinations shall be published in at least one (1) newspaper in each mine district not less than fifteen (15) days preceding the date of such examination. The board shall hold such meetings at such times and places as may be necessary for the examination of applicants for certificates of mine hoisting engineers and mine foremen. They shall prescribe and adopt such rules and regulations therefor as may be reasonably necessary for the conducting of such examinations, which shall include among other things to be determined by the board, the following:

Examination of Mine Foremen.

A knowledge on the part of such applicants of

- (a) the conditions relating to the safety of the underground workings of a mine;
- (b) the nature and properties of noxious, poisonous and explosive gases found in mines;
- (c) the different systems of working coal mines and ventilation thereof;
- (d) the administering of first aid treatment to injured workmen.

Examination of Hoisting Engineers.

A knowledge on the part of such applicants of

- (a) the conditions relating to the safety of machinery in charge of a mine hoisting engineer, including all property connected therewith used in operating such machinery and also the machinery utilized at escape ways and shafts and ventilating apparatus.

Such questions shall not be exclusive of any other questions to be presented by the board, but the board shall prepare and present such additional questions as they may deem best to carry out the spirit and intent of the law. The board shall issue to those examined and found to possess the requisite qualifications, certificates of competency for the position of mine foremen or mine hoisting engineers.

Sec. 4. Examination--qualification of candidates for mine inspector. The examination for mine inspectors shall consist of oral and written questions in theoretical and practical mining and mine engineering, on the nature and properties of noxious and poisonous gases found in mines, and on the different systems of working and ventilating coal and gypsum mines. During the progress of the examination, access to books, memoranda, or notes shall not be allowed, and the board shall issue to those examined and found to possess the requisite qualifications, certificates of competency for the position of mine inspector; but certificates shall be granted only to persons of twenty-five (25) years of age or over, of good moral character, citizens of the state, and with at least five (5) years' experience in the practical working of mines, and who have not been acting as agent or superintendent of any mines for at least six (6) months next preceding such examination.

Sec. 5. Mine inspectors--vacancies. The governor shall on or before July first (1), nineteen hundred twenty-seven (1927), and every four (4) years thereafter, appoint three (3) mine inspectors from those receiving certificates of competency from the board of examiners as by law provided, who shall hold their office for a term of four (4) years and until their successors shall be appointed and qualify, subject to removal by him for cause. Any vacancies occurring shall be filled in the same manner as original appointments, for the unexpired term only.

The mine inspectors in office at the time this section takes effect shall continue to serve as such until June thirtieth (30th), nineteen hundred twenty-seven (1927).

Sec. 6. Removal of inspector--charges--bond--notice. Charges of gross neglect of duty or malfeasance in office against any inspector may be made in writing, sworn to and filed with the governor, and must be made by five (5) miners, or one (1) or more mine operators; such charges shall be accompanied with a bond in the sum of five hundred dollars (\$500.00), running to the state, with two (2) or more sureties approved by the clerk of the district court of the county in which the sureties reside, conditioned on the payment of all costs and expenses arising from the investigation of the charges, and thereupon the governor shall convene the board of examiners at such time and place as he may designate, giving the inspector and the person whose name first appears in the charge ten (10) days' notice thereof.

Sec. 7. Manner of trial--report of findings--costs. The board, at the time and place fixed, shall proceed to hear, try, and determine the matter, and for this purpose shall summon any material witness desired by either party, and any member may administer the proper oath to all witnesses. Evidence may also be taken by deposition as in other cases, and continuances of the hearing may be granted in furtherance of justice and upon the application of either party. After the evidence has been fully heard, the board shall report to the governor its action and decision. If the charges are sustained, the inspector shall be forthwith removed by the governor, and the costs and expenses of the hearing taxed against the inspector, but if the charges are not sustained, the costs shall be taxed against the parties filing the charges and their bondsmen.

Sec. 8. Appeal--notice--manner of trial. The aggrieved party shall have the right to appeal from such findings and order to the district court of any county in the district of the inspector against whom charges were made, by giving notice in writing to the board, or any member thereof, served in the same manner as original notices, within ten (10) days from the time of filing the findings with the governor, or if the order of removal is made, within ten (10) days therefrom. Upon such appeal all matters shall be heard bearing upon the charges made, and the pleadings may be amended within the discretion of the court. The appeal shall be tried as an equitable action and the first term after the appeal is perfected shall be the trial term. Upon such hearing the court shall render and enter such order or decree as the evidence warrants in equity and justice. Nothing herein contained shall prevent the governor from proceeding under any law provided for the suspension or removal of state officers for malfeasance or non-feasance in office.

Sec. 9. Qualifications of inspector. Each inspector shall devote his entire time and attention to the business incumbent upon him. An inspector shall in no way be financially interested in or connected with any mining property or directly or indirectly act as agent, officer, or representative of any person, firm, or corporation engaged or interested in mining or any business connected therewith.

Sec. 10. General office--report to governor. The three (3) inspectors shall maintain a general office at the seat of government and keep therein all records, correspondence, documents, apparatus, or other property pertaining to their office; they shall at the time provided by law, make a biennial report to the governor of their official doings, including therein all matters which by this chapter are specially committed to their charge, adding such suggestions as to needed future legislation as in their opinion may be important.

Sec. 11. Inspection districts--local office--expenses. The governor shall divide the state into three (3) inspection districts, and assign one (1) inspector to each district. Each inspector shall maintain an office at some suitable place in his district, to be approved by the governor, and shall reside in the district and remain therein, unless engaged in the conduct of his official duties. The expenses of the local office of the mine inspector, including rental and other necessary expenses, not exceeding one hundred eighty dollars (\$180.00) per year, shall be paid by the state.

Sec. 12. Duties of inspector--record. He shall examine, test, and adjust, as often as he deems necessary, all scales, beams, and other apparatus used in weighing coal at the mines. He shall examine all the mines in his district as often as the time will permit, which examination shall be made at least once every six (6) months, keep a record of the inspections made, showing date, the condition in which the mine is found, the extent and manner in which the laws relating to the government of mines and their operation are observed and obeyed, the progress made in improvements for better security to health and life, number of accidents happening and their character, the number employed, and such other matters as may be of public interest and connected with the mining industries of the state.

Sec. 12-a1. Posting of reports. Inspectors, immediately after making an inspection, shall post or cause to be posted, at some convenient and conspicuous place to which employees of such mine and their representatives shall have free access, a summary report of the conditions found to exist in the mine, together with any requests or orders made for changes or repairs.

Sec. 12-a2. Duty of mine owner. The owner of every mine in this state, subject to inspection, shall provide a suitable place for posting of reports as provided in the preceding section, which place shall be so located and constructed as to protect the report, when posted, from the weather and from improper removal. The place for posting such report and the means of protection therefor, shall conform to the direction of the mine inspector.

Sec. 12-a3. Unlawful destruction. Any person who, without the consent of the mine inspector, intentionally destroys such report or place for keeping the same, shall be deemed guilty of a misdemeanor.

Sec. 13. Right to enter mine--assistance by owner. The inspector shall have the right at all reasonable times, by day or night, to enter any mine in his district or any district to which he may be sent by the governor, for the purpose of ascertaining its condition, and the manner of its operation, by making personal examination and inquiry in relation thereto, but not so as to unnecessarily obstruct or impede the working of the mines; and to this end the mine owner or person in charge shall furnish such mine inspector all necessary assistance.

Sec. 14. Terms defined. Wherever the word "operator" occurs in this chapter it shall include the owner, lessee, agent, managing officer, and person in charge of any mine.

Sec. 15. Maps--surveys. The operator of any mine shall comply with the following provisions relative to maps and surveys:

1. Each mine map shall be drawn to a scale of not more than two hundred (200) feet to the inch.

2. Each map shall show the name of the state, county, and township in which the mine is located; the designation of the mine, the name of the company or operator, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point, and the scale to which the map is drawn.

3. Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine and all section or quarter section lines or corners within the same, the lines of town lots and streets, the tracks and sidetracks of all railroads, the location of wagon roads, rivers, streams, and ponds, and reservations made of coal and mineral.

4. For the underground workings said map shall show all shafts, slopes, tunnels, or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms, and crosscuts; the location of the escape ways, and of the fan or furnace or other means of ventilation and the direction of air currents, and the location of permanent pumps, hauling engines, engine planes, abandoned works, fire walls, and standing water.

5. A separate and similar map drawn to the same scale in all cases shall be made of each and every seam of coal operated in any mine in this state. A separate map shall also be made of the surface whenever the surface buildings, lines, or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn upon transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine and any other principal workings of the mine.

6. Each map of underground workings shall also show by profile drawing and measurement, the last one hundred fifty (150) feet approaching the boundary lines, showing the rise and dip of the seam.

7. The original or true copies of all such maps shall be kept at the office of the mine, and true copies thereof shall also be furnished the state mine inspector for the district in which said mine is located, within thirty (30) days after the completion of the same.

8. An accurate extension of the last preceding survey of every mine in active operation shall be made once in every twelve (12) months prior to July first of every year and the result of such survey, with the date thereof, shall be promptly and accurately entered upon the original map, and a true, correct, and accurate copy of said extended map shall be forwarded to the inspector of mines in the district in which said mine is located so as to show all changes in plan of new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings which have been made since the last preceding survey, and the parts of the mine abandoned or worked out after the last preceding survey shall be clearly indicated and shown by coloring, which copy must be delivered to the inspector of mines within thirty (30) days after the last survey is made.

9. When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a completed and extended map of said mine and the result of the same shall be duly extended on all maps of the mine and copies thereof so as to show all excavations and the most advanced workings of the mine, and their exact relation to the boundary or section lines on the surface, and deliver to the inspector a copy of the completed map.

10. The inspector shall order a survey to be made of the workings of any mine, and the result to be extended on the maps of the same and the copies thereof, when in his judgment the safety of the workmen, the support of the surface, the conservation of the property, or the safety of an adjoining mine requires it. If not made by the operator when ordered by the inspector, such inspector shall cause it to be made and paid for by the state and the amount collected from the operator.

Sec. 16. Failure to furnish map. When the operator of any mine neglects or refuses for a period of ninety (90) days to furnish to said inspector the map or plan, or a copy thereof, of such mine or any extension thereof, as provided in this chapter, the inspector shall cause to be made an accurate map or plan of such mine or extension as the case may be, at the expense of the operator. The cost shall be paid by the state and recovered from such operator. It shall be the duty of the county attorney of the county in which such mine is located, at the request of the inspector, to bring action in the name of the state for such recovery.

Sec. 17. Maps property of state--custody--copies. The maps so delivered to the inspector shall be the property of the state and shall remain in the custody of the inspector during his term of office, and be delivered to his successor in office. They shall be kept at the office of the inspector and be open to examination by all persons interested in the same; but such examination shall only be made in the presence of the inspector or his office assistant, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property, except as otherwise provided.

Sec. 18. Escape ways and air shafts. The operator of any mine shall construct and maintain at least two (2) distinct openings for each seam of coal worked, which, in mines operated by shaft, shall be separated by natural strata of not less than three hundred (300) feet in breadth, and in mines operated by slope or drift not less than two hundred (200) feet in breadth, through which ingress and egress at all times shall be unobstructed to the employees and persons having occasion to use the same as escape ways or places of exit from the mine; but where five (5) or a less number of persons are employed, the mine inspector in the exercise of a sound discretion shall have the power to waive the requirements of this section.

Sec. 19. Stairways for escape--air shafts separated. All escape shafts not provided with hoisting appliances as hereinafter provided shall have stairs at an angle of not more than sixty (60) degrees in ascent, nor less than two and one-half (2 1/2) feet in width, with proper, safe, and substantial landings at convenient and easy distances, and equipped with substantial hand rails or banisters. If a shaft be used for an escape way and air shaft, that part used as an escape way shall be divided and partitioned closely with substantial material from the part used as an air shaft, all of which shall be kept in safe condition.

Sec. 20. Hoisting appliances for escape shafts. All escape shafts not provided with stairs shall be provided with suitable appliances for hoisting underground workmen at all time, ready for use both day and night, while the workmen are in the mine. The hoisting apparatus shall be separate and apart from the hoisting shaft, and the equipment shall include a depth indicator, brake on the drum, steel or iron cable, safety catches on cages, and covers on cages to securely protect any person on the cage.

Sec. 21. Underground connections with contiguous mine. Where two (2) or more mines are connected underground the owners by joint agreement may use the hoisting shaft, slope, or drift of the one as an escape way for the other, and the road or traveling ways thereto on either side shall be kept clear of every obstruction to travel by the respective operators, and the intervening doors, if any, shall remain unlocked and ready at all time for immediate use. When such connection has once been established between contiguous mines, it shall be unlawful for the operator of either mine to close the same without consent both of contiguous operators and of the inspector of mines of the district; but when either operator desires to abandon mining operations, the expenses and duty of maintaining such connection shall devolve upon the party continuing operation.

Sec. 22. Location of shafts--approval of inspector. No escape shaft or other place of exit, air shaft or opening for ventilation, not including hoisting shafts, shall be located or constructed without first giving notice to the mine inspector, and obtaining his approval thereof in writing, who shall retain a copy and file in his office and preserve with other records of that mine.

Sec. 23. Additional air way or escape way. The mine inspector of the district in which any mine is located shall have the right at any time to order such additional air way or escape way, shaft, opening, or other place of exit as may be deemed necessary for the purpose of furnishing necessary additional ventilation or means of escape.

Sec. 24. Appeal from order--time and manner of trial. The operator shall have the right to appeal from such order to the district court, where the action shall be tried in equity, and shall have precedence over any and all other cases, and the first term held after the taking of such appeal shall be the trial term; but in any case the mine inspector may elect, by giving five (5) days' notice to the party taking the appeal, to bring said cause on for hearing before any judge of the judicial district in which such mine is located, who shall have discretion to fix a time and place for such trial in vacation. Upon such hearing the court shall render and enter such order or decree as the evidence warrants in equity and justice.

Sec. 25. Ventilation--obstruction prohibited. Escape ways shall be ventilated and kept free from vitiated air, accumulation of ice, and obstructions of every kind; nor shall steam or heated air be discharged therein during the daytime unless an attendant be kept in charge thereof and the equipment so arranged that the steam or warm air may be readily turned off at any time, and a conspicuous signboard placed in plain view indicating the point where the steam or warm air may be turned off. All surface or other water which flows therein shall be conducted by rings or other means to receptacles so as to keep the stairway reasonably free from water.

Sec. 26. Traveling ways--signboards--inspection. In any mine affected by this chapter and every seam of coal or other mineral worked therein, the following requirements shall apply:

1. There shall be constructed, kept, and maintained safe and assessable traveling ways to and from any and all escape ways or places of exit, which shall be maintained free from falls of roof, standing water, and other obstructions and made at least five (5) feet high and seven (7) feet wide. But in any case when, in the judgment of the inspector of the district where the mine is located, it is impracticable by reason of any conditions to make the traveling way of such dimensions, then the traveling way may be made and maintained not less than three (3) feet in height and six (6) feet in width, upon written permission of the mine inspector.

2. At all points where the passage or traveling ways to an escape shaft or place of exit intersect other roadways or entries, conspicuous signboards shall be placed thereat indicating the way to such shaft or place of exit.

3. All traveling ways shall be inspected by the mine foreman or his assistant at least once each week, and written report of their condition made and filed in the office of the mine, which shall be open for examination to all the employees of the mine and all other persons entitled thereto at all reasonable times.

Sec. 27. Dispute as to orders of inspector--copy of order--appeal. If any dispute or difference should arise as to the findings or orders of the mine inspector under the provisions of the preceding section, between such inspector and employer operating the mine, or between such inspector and at least five (5) employees working in the mine, then and in that case the inspector shall furnish, on demand, to the aggrieved party or parties a copy of his findings or orders complained of and he shall also file the originals thereof in the general office of the state mine inspectors, and the aggrieved party or parties may have the right to appeal from said findings and orders to the district court of the county in which said mine is located on the same terms and conditions as appeals from orders relating to airshafts and escape ways.

Sec. 28. Time and manner of trial--final order. When an appeal is taken as provided in the preceding section, the case shall be docketed and precedence given over all other cases excepting criminal cases where the party is in jail, and the inspector may bring the case on for hearing before any judge of the judicial district where the mine is located by giving five (5) days' notice in writing to the opposite party. If the evidence shows that the order was reasonable one as made by the inspector the findings and order of the inspector shall stand as made by him. If the evidence shows that the order was not a reasonable one, the court shall vacate it or so modify it as to be equitable and just.

Sec. 29. Traveling way around hoisting shafts. At the bottom of each hoisting shaft there shall be constructed a safe and convenient traveling way around the shaft for employees and animals, and it shall be unlawful for any person to pass across the shaft bottom in any other manner than by such traveling way, except such employees as may be necessary to perform the work at the bottom of the shaft, or those engaged in making repairs.

Sec. 30. Place of refuge in haulage roads. On all single-track haulage roads where hauling is done by machinery or other mechanical device, and on all gravity or inclined planes in mines where it is impracticable to construct a separate traveling way, and which persons employed in the mines must use while performing their work, or travel, on foot, to and from their work, places of refuge must be cut in the side wall not less than three (3) feet in depth and four (4) feet wide and five (5) feet high, and not more than twenty (20) yards apart unless there be a clear space of not less than two and one-half (2 1/2) feet between the car when on the track and the rib or side of the entry of the haulage way.

Sec. 31. Separate traveling way--exception. In no case shall such haulage way referred to in the preceding section be used as a traveling way unless it shall first be determined by the inspector that it is impracticable to construct, keep, or maintain a separate traveling way; and in all cases, unless otherwise determined by the inspector to be impracticable, there shall be kept and maintained a separate traveling way for the employees which shall at all times be maintained in good and safe condition and free from falls of roof and other obstructions.

Sec. 3. Signals--tripbar lights. On every such haulage way over one hundred (100) feet in length used as a traveling way and when haulage is done by tail rope or cable, a signal line and code of signals shall be maintained so as to afford means of communication at all times between the haulage engineer and persons along such haulage way; and a conspicuous light shall be carried on the front of trip or train of cars moved by mechanical means.

Sec. 33. Doors in haulage ways--duty of employees. On all haulage ways where doors are maintained to direct the air current, it shall be unlawful for any person at any time to leave any of the doors open that direct the air current. Each person shall, after passing through such doors, see that they are properly closed.

Sec. 34. Entries used by draft animals--width--exception. All entries constructed after July fourth, nineteen hundred eleven (1911), in which the haulage is done by animals and wherein employees work or use the same as a means of ingress and egress to and from their working places, shall be maintained substantially eight (8) feet in width from one rib or side of the entry or haulage way to the opposite side, and shall be kept free from timbers or refuse and as even on the surface each side of the track as may be reasonably practicable; but this section shall not apply to such haulage ways in longwall work when the inspector of the district where the mine is located shall determine that it is impracticable to maintain such width of entry or haulage way.

Sec. 35. Area of breaks-through in rooms and entries. All breaks-through in entries must be of an area of not less than twenty-five (25) feet and in rooms not less than twenty (20) feet to secure proper ventilation.

Sec. 36. Breaks-through in entries--when and how closed. All breaks-through in entries except the last one shall be securely closed and all stoppings in breaks-through except the one next to the last in entries shall be made with some substantial material so as to securely and completely close the same, and prevent the air from passing through or in any part thereof, which shall be subject to the state mine inspector's approval, who is hereby authorized and empowered to require any change to be made in the material or construction of such stoppings. The stopping in next to the last break-through in entries may be constructed temporarily of some suitable material until one (1) additional break-through has been made, when the temporary stopping shall be replaced by permanent stoppings as by this section provided.

Sec. 37. Breaks-through in rooms--when and how closed. All breaks-through in the rooms, except the last one, shall be closed and securely fastened so as to prevent the air from passing through the same, which stoppings shall be subject to the approval of the mine inspector of the district in which the mine is operated.

Sec. 38. Closing of abandoned rooms and entries. The mouth or openings of all abandoned rooms, entries, and workings shall be securely closed with permanent stoppings, in such manner as to prevent the passage of air or the escape of gases.

Sec. 39. Precaution against fire--location of buildings. It shall be unlawful to erect, keep, or maintain any inflammable structure or building or other material in the space intervening between the main or hoisting shaft, slope, or drift, and the escape shaft or other place of exit; or any powder magazine in such location or manner as to jeopardize the free and safe exit of employees from the mine by any escape shaft or other place of exit in case of fire or other casualty to the main shaft, slope, drift, buildings, or other structures.

Sec. 40. Boiler and engine rooms. All boiler and engine rooms at any mine shall be constructed of fireproof material, and in no case shall the boiler room be placed within sixty (60) feet of the hoisting shaft, slope, or drift.

Sec. 41. Shaft lights. In all cases, after twilight, or when steam or other causes obscure the plain view of the top and openings of any shaft, there shall be maintained a good substantial light, but in no case shall an open light or torch be used.

Sec. 42. Ventilation--amount of air--circulation. The operator of any mine shall provide and maintain an amount of ventilation of not less than one hundred (100) cubic feet of air per minute for each person employed in the mine and not less than five hundred (500) cubic feet of air per minute for each animal used therein, which shall be so circulated throughout the mine as to dilute, render harmless, and expel all noxious and poisonous gases in all working parts of the mine. In no case shall the air current be greater distance than sixty (60) feet from the working face, except when making crosscuts in entries for an air course, then the distance shall not be greater than seventy (70) feet; but in a special case requiring it, the state mine inspector may, in writing, grant permission to go beyond the limit herein mentioned. When the air current is carried to the working face of the room in double room mining, such air current shall be treated as a compliance with this section.

Sec. 43. Air measurements--when and how taken--record. The measurement of the air currents in any mine shall be taken at the bottom of the intake and near the mouth of each split thereof, and also near the working face of the entries. The person in charge of the mine shall be furnished with an anemometer by the owner or lessee of the mine, and shall take the measurements of the air as in this section provided at least once each week and make a record thereof showing the time and place the measurements were taken. Such record shall be kept at the office of the mine, and a report showing such measurements sent each month to the inspector of the district.

Sec. 44. Air current split--number of men on split. In every mine the air current shall be split and so conducted that not more than eighty (80) employees at any time shall be working on or in each split, except in case of emergency. But the inspector of the district where the mine is located may in writing grant permission for a greater number not exceeding fifty (50) additional when the required number of cubic feet of air per minute is properly circulated therein.

Sec. 45. Contrivances for supplying air--prohibition. Efficient means in the way of exhaust steam, fans, furnaces or other contrivances of sufficient capacity shall be kept in operation to supply air current, but if a furnace is used it shall be so constructed by lining the upcast for a distance of not less than fifty (50) feet or for such greater distance as in special cases may be required by the mine inspector, with incombustible material. No furnace shaft shall be constructed in connection with an escape shaft or other way of exit for the employees of a mine.

Sec. 46. Unhealthful conditions--changes ordered--suspension of work--violation--penalty. When the mine inspector finds the air insufficient or the employees working under unsafe or improper health conditions, he shall at once give notice to the mine operator, and upon failure to make the necessary changes within such time as the inspector shall fix, such inspector shall order the employees, except such as may be necessary to correct the defect and make the repairs, to cease work and remain out of the mine until such conditions are corrected.

Sec. 47. Speaking tubes. The operator of any mine shall, where the voice cannot be distinctly heard from top to bottom, provide and maintain a metal speaking tube or other adequate means of communication and keep the same in complete order from the bottom or interior to the top of exterior.

Sec. 48. Signalman at bottom. In all cases where mechanical means are used in any mine to hoist or lower employees, the operator of such mine shall keep and maintain a suitable, sober, and competent person at the top and at the bottom in charge of the signals during such time of lowering and raising the employees, who shall be and remain on duty for at least thirty (30) minutes before and after the usual hours for beginning and stopping the ordinary work of the mine.

Sec. 49. Safety appliances and regulations.

1. In all shafts where the employees are raised and lowered by machinery there shall be provided a good and sufficient brake on the drum, so adjusted that it may be operated by the engineer without leaving his post at the levers.

2. Flanges shall be so arranged on the ends of the drum of any engine used that when the whole cable is wound on the drum, there shall be not less than four (4) inches of clearance between the outer surface of the cable and the outer edge of the flanges.

3. The ends of the hoisting cable shall be well secured on the drum and at least two and one-half (2 1/2) laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft.

4. An index dial or indicator shall be so arranged and placed as to indicate to the engineer at all times the true position of the cages in the shaft.

5. All cages used in any shaft shall be equipped with efficient safety catches and suspended between good substantial guides, and so constructed overhead with boiler iron that falling objects cannot strike persons on the cage.

6. At all landings and openings at the top of all shafts there shall be maintained an approved safety gate constructed in such manner as at all times to close the opening or entrance to the shaft when the cage is not at rest at that point. There shall be adequate springs at the top of each slope and a trail or dog attached to each train used therein.

Sec. 50. Number of persons allowed on cage--riding loaded car or cage prohibited. Not more than ten (10) persons shall be allowed on any cage when ascending or descending, and such less number as may be fixed by the mine inspector. No person at any time shall be allowed to ride in the shaft or any cage with a car, tools, or other material, or when such car, tools, or material is on the opposite cage, except when absolutely necessary in the performance of work in the making of repairs. No person shall ride upon a loaded trip in any part of the mine, except the conductor or person in charge thereof or any person in the performance of his duty.

Sec. 51.. Speed of cage carrying man--use prohibited--when. Cages on which employees are riding shall not be lifted or lowered at a rate of speed greater than four hundred (400) feet per minute, and no cage having any unstable or self-dumping platform or device shall be used for the carriage of employees or material other than coal or mineral unless the same is provided with some convenient device by which the cage platform can be securely locked when employees are being conveyed thereon.

Sec. 52. Code of signals--location. In all mines operated by machinery there shall be placed in plain view of the engineer while at his post of duty, and in a conspicuous place at the top and at the bottom of each shaft, slope, or drift, the following code of signals, which shall be used between the engineer and the other employees in the operation of the mine:

1. One (1) ring or whistle shall signify to hoist coal or empty cage; and also to stop when the cage is in motion.
2. Two (2) rings or whistles shall signify to lower cage.
3. Three (3) rings or whistles shall signify that employees are ready to enter cage either top or bottom; when return signal of one (1) ring or whistle is received from the engineer employees may enter the cage, but not before, when one (1) ring or whistle shall be given to start.
4. Four (4) rings or whistles shall signify to hoist slowly; warning of danger.
5. Five (5) rings or whistles shall signify accident within the mine and a call for stretcher and supplies.
6. Six (6) rings or whistles shall call for a reversal of the fan.
7. From top to bottom one (1) ring or whistle shall signify all ready, get on cage.
8. Two (2) rings or whistles from top to bottom shall signify send away empty cage which shall be answered from the bottom with one (1) ring or whistle and the cage may then be moved.
9. The operator of such mine may with written consent of the mine inspector, add to this code of signals in his discretion when deemed necessary for the efficiency of the mine or the safety of the employees, but any addition thereto shall be placed as in this section provided for the code of signals.

Sec. 53. Engineers--competency--incompetent prohibited. The operator of any mine shall not place in charge of any engine in and around the mine any but competent and sober engineers who shall not permit any person but those designated to handle, operate, or interfere with it or any part of the machinery except such as may be necessary in making proper and needed repairs, and then only when the engine or machinery is not in use in hoisting or lowering employees or hoisting coal or mineral.

Sec. 54. Duty of engineer to inspect machinery. It shall be the duty of the engineer at least once each day to carefully inspect all of the machinery and apparatus under his charge and all of its parts, and if any defects appear which will render its use unsafe to any employee in the mine, he shall cease operating the machinery until the defects are corrected.

Sec. 55. Persons not permitted in engine room or to talk to engineer. No person but the engineer shall be allowed in the engine room except on business connected with the operation of the mine or to repair machinery, and in such case the person shall immediately retire therefrom when the work is completed or business transacted, and no person shall be permitted to talk to the engineer while in the performance of his duty in hoisting or lowering employees, coal, or mineral.

Sec. 56. Mine foreman defined. The term "mine foreman" as used in this chapter and the law of this state, shall mean and be construed to be one in charge of the underground workings or departments of the mine or any part thereof, either by day or night.

Sec. 57. Noncertificated foreman, pit boss and hoisting engineer forbidden. It shall be unlawful for any operator of any coal mine to employ any person as mine foreman, pit boss, or hoisting engineer at any coal mine employing five (5) or more persons therein, and for any person to attempt to discharge such duties unless he shall hold a certificate of competency for such position as provided in this chapter.

Sec. 58. Temporary employment. In case of the discharge, resignation, or disability of any person lawfully performing the duties of foreman, pit boss, or hoisting engineer, the operator shall have thirty (30) days within which to secure the services of a certificated person to take the place of the one so discharged, resigned, or disabled; and during such time a competent and capable person may be temporarily employed to perform such services, whether holding a certificate or not.

Sec. 59. Certificate of competency--how procured. Any person may secure such certificate of competency who satisfactorily passes the examination, written and oral, prescribed by the board of examiners.

Sec. 60. Revocation of certificate of competency--how tried--costs. In any case where a mine foreman, pit boss, engineer, or other person receiving a certificate under the law pertaining to mines and mining within this state has wilfully disobeyed the orders of the mine inspector or has been convicted of a misdemeanor relating to his duties in mine operation, his certificate shall be revoked, upon complaint being filed with the board of examiners, who shall proceed to hear the case at such time and place as it may determine, which shall be as soon as practicable after the charges are filed and notice given by it to the accused. The board shall have power to subpoena witnesses and administer oaths and a majority of the board shall be required to determine the questions at issue; the costs incurred shall be taxed to the losing party and collected as in other cases.

Sec. 61. Fees--certificates recorded. Every person applying for a certificate under this chapter shall pay to the examining board a fee of two dollars (\$2.00), and every successful applicant shall pay to said board an additional fee of two dollars (\$2.00), all of said fees to be accounted for and paid into the state treasury. Each certificate issued under this chapter shall be recorded in the office of the examining board, and shall show the name, age, residence, and mining experience of the person to whom it was issued.

Sec. 62. Duties of foreman or pit boss. The duties of the mine foreman or pit boss in charge of any mine or any part thereof shall be:

1. To make careful inspection of the mine from day to day by himself or assistant and at all times when in his judgment conditions may require.

2. To give such directions and formulate such rules for the guidance of the men employed in the mine as skillful and safe operation of the mine may require.

3. To see that the mines are at all times sufficiently supplied with props of proper lengths, caps, and other timbers necessary to securely prop the roof of such mine and the rooms wherein the men are employed, and such material shall be conveniently placed for the use of the miners upon their request.

4. To keep a careful watch over the ventilating apparatus and airways, together with all of the stoppings, doors, and other means of directing the air current.

5. To keep a record of the boys under sixteen (16) years of age employed by him during the time of school vacation, showing their ages, names, and residence of parents or guardians and character of employment, which record shall be kept at the office of the mines and open for inspection at all reasonable times.

6. To examine all escape ways, the traveling ways leading thereto, or cause them to be examined by his assistant, once each day, and make written report of the conditions and file in the office at the mine, which report shall be open for examination at all reasonable times to representatives of the employees and other persons entitled thereto, and send a copy of such report each month to the mine inspector of the district in which said mine is operated.

7. If he finds any escape way or traveling way impassable or dangerous, he shall immediately notify the employees of the mine thereof, and shall immediately upon the discovery of the defect, place such obstructions at the defective place as may be reasonably necessary to apprise the employees of the danger.

Sec. 63. Duty of miners and other employees. It shall be the duty of each employee:

1. To examine his working place upon entering the same and not commence to mine or load coal or other material until it is made safe.
2. To securely prop and timber the roof of his working place therein and to obey any order or orders given by the superintendent of mine foreman relating to the width of the working place and to the security of the mine in the part thereof where he is at work.
3. To avoid waste of props, caps, timbers, and other material, and when he has any such not suitable for his purpose to place the same at some convenient point near the track, and where the same may be readily seen, and inform the mine foreman, or other person in charge, of their being unsuitable for the purpose intended.
4. When drawslate or other like material is over the coal, to see to it that proper timbers are placed thereunder for his safety before working under the same.

Sec. 64. Unlawful to injure property or violate regulations. No workman or other person shall knowingly commit any of the following acts:

1. Injure a water gauge, barometer, air course, brattice, or any equipment, machinery, or live stock.
2. Obstruct or throw open any airway, handle or disturb any part of the machinery or the hoisting engine of the mine.
3. Open a door of a mine and neglect to close it.
4. Endanger the mine or those working therein.
5. Disobey any order given in pursuance of law or do a wilful act whereby the safety of persons working in or about a mine or the security of the mine or the machinery connected therewith may be endangered.
6. Place any refuse material or any obstruction in any part of the air course or any part of the breaks-through in the entries or rooms other than as by this chapter provided.

Sec. 65. Use of intoxicants prohibited. No person shall go into, at, or around a mine or the buildings, tracks, or machinery connected therewith while under the influence of intoxicants, and no person shall use, carry, or have in his possession, at, in, or around the mine or the buildings, tracks, or machinery connected therewith, any intoxicants.

Sec. 66. Shot examiners--proof of competency--revocation of permit. In all mines where the coal is blasted from the solid, competent persons shall be employed to examine all drill holes before they are charged. Before entering upon the discharge of their duties, said examiners shall give proof of their competency to the mine inspector of the district in which the mine where they are employed is located, and said inspector shall certify to the operator of each mine the persons who have given proof of their competency to act in the capacity of shot examiners. The mine inspector shall refuse to give permission to any person to act as shot examiner who, in his judgment, is not competent. He shall revoke any permission granted should it appear that a shot examiner is incompetent, negligent, or careless in the performance of his work.

Sec. 67. Drill holes--when unlawful to charge or fire. It shall be unlawful for any miner or other person to charge a drill hole with powder or other explosive until the shot examiner shall have first examined the same. The shot examiner shall forbid the charging or firing of any drill hole with powder or other explosive if in his judgment it would be unsafe to the employees or the mine to discharge the shot. In any case where the shot examiner forbids the charging or firing of any drill hole, he shall make a cross with chalk markings at the mouth of the hole when condemned, and make an entry thereof in a book kept by him for that purpose, stating the name of the person working in such place, the number of drill holes therein which he forbids being charged, and the date thereof, which record shall be retained for at least one (1) week. It shall be unlawful for any shot firer or other person to discharge any shot or blast which has been condemned by the shot examiner. In any case when the mine foreman shall have forbidden the charging of any drill hole or the firing of any shot, no person shall be permitted to charge such hole or fire such shot. If the shot examiner forbids the charging of a hole or the firing of a shot, the mine foreman shall not cause the hole to be charged or the shot fired.

Sec. 68. Transportation of powder into coal mines. No person, firm, or corporation shall be permitted to transport, carry, or convey by any electrical means whatever, any powder or other explosives into any coal mine until after the coal miners and other employees have ceased their work and departed from the mines.

Sec. 69. Transportation and delivery--by whom. The transportation and delivery of all powder and other explosives in coal mines shall be done by the operator or by men employed by him for that purpose.

Sec. 70. Storage of powder--what permitted. No operator of any coal mine shall suffer or permit, under any circumstances, the storing of powder or other explosives in any coal mine except as follows:

1. Each miner shall be permitted to have in his separate and individual possession at one time not more than two (2) kegs containing twenty-five (25) pounds of powder each, and other explosives sufficient for one (1) day's use.

2. Such powder or other explosive shall be kept by the miner in a wooden or metallic box or boxes securely locked, and said boxes shall be kept at a reasonable distance from the track; and black powder and high explosives shall be kept in separate boxes.

Sec. 71. Supply for the following day--where deposited. It shall not be construed as storing powder, as defined in the preceding section, to deposit the powder or other explosives at the end of the electrical or mechanical haulage at the face of the mine for the following day's use, if deposited in conformity with the provisions of the preceding section.

Sec. 72. Supply of caps--timbers--props. The operator of any mine shall at all times keep a sufficient supply of props, caps, and other necessary timbers to be used by employees in the mine, convenient and ready for use, and shall send such materials down when requested and deliver them at the places where needed.

Sec. 73. Material for tamping. In all mines where coal is blasted from the solid, the operator shall furnish sand, soil, or clay to be used for tamping which shall be delivered to the employee and placed at a convenient distance from the working places ready for use, and so as not to obstruct any employee in his work. No person shall be permitted to use any substance or material other than, sand, soil, or clay for tamping.

Sec. 74. Sprinkling of roadways. The operator of any mine shall not permit the accumulation of dust upon and along any roadway, and where any roadway is dry and dusty, shall cause the same to be sprinkled at least once each week and as much oftener as conditions may require.

Sec. 75. Stables--location--construction--use. The operator of any mine shall not locate a stable at any point in a mine where the air current supplied to the employees passes through such place and in no case shall such stable be located without first having the written approval of the mine inspector of that district, a copy of which shall be filed in his office. The material used in the construction of stables in mines shall, as near as practicable, be incombustible and such stables shall not be used as a place for storing any inflammable material, except such hay as may be reasonably necessary for one day's use.

Sec. 76. Telephone systems. In all mines where the working parts thereof exceed two thousand (2,000) feet from the foot of the slope, shaft, or the mouth of a drift as the case may be, a good and substantial telephone system or other like suitable means of communication shall be maintained at all times ready for use, from the bottom to some suitable and convenient point at or near the face of such working parts which shall be extended as the works of the mine progress two thousand (2,000) feet therefrom.

Sec. 77. Stretchers--blankets--bandages. The operator of any mine shall at all times keep at some convenient place at the mine, in readiness for use in case of accident, one (1) good and substantial stretcher for each fifty (50) employees or fraction thereof engaged in the operation of the mine, and proper and sufficient blankets for each stretcher, together with a sufficient supply of bandages.

Sec. 78. Gasoline and engines--use and location. No gasoline engine, except gasoline haulage motors where the exhaust is properly cared for, or supplies of gasoline therefor, shall be located in or near the air current which supplies the employees of any mine with air, but in all cases shall be placed upon the return of the air and located at least twenty (20) feet from any and all traveling ways. In no case shall any gasoline engine or place for supply of gasoline be located without first having the approval in writing of the mine inspector, who shall determine the suitability of the location of said engine and supplies. The supply of gasoline shall be kept at the place designated and shall not exceed twelve (12) gallons at any one time.

Sec. 79. Temporary location of engine--conditions. In case of emergency a gasoline engine may be temporarily placed where needed and the inspector of the district in which the mine is located immediately notified thereof, who shall at once proceed to the mine and determine as to the safety of the employees while the engine is so operated at such location. If in his judgment the operation thereof can be continued at such place with reasonable safety to the employees, such operation may be continued while the employees are at work until the emergency shall have passed; otherwise the inspector shall order the employees, except such as are required to operate the engine and work connected therewith, to leave the mine until the same is made safe.

Sec. 80. Fire extinguishers required--where kept. At all hoisting shafts, air shafts, escape shafts, and places of exit, boiler and engine rooms, stables in mines, and places where gasoline engines are used, there shall be kept ready for use at all times at least two (2) hand fire extinguishers of approved make, conveniently placed for immediate use when needed.

Sec. 81. Gasoline motors prohibited in mines hereafter equipped. In any mine hereafter opened or equipped for operation no gasoline haulage motor shall be installed or used in the underground workings for any purpose, and it shall be the duty of the mine inspector to enforce the provisions of this section.

Sec. 82. Purity of illuminating oil--standard--department of agriculture to regulate. Only pure animal or vegetable oil or other means for illuminating purposes equally as safe and free from smoke or offensive odor shall be used in any mine in this state. For the purpose of determining the purity of oils the department of agriculture shall fix a standard of purity and establish regulations for testing the same, and when so determined and established shall be binding on all courts and other authorities. When any substance used for illuminating purposes in a mine leaves any refuse after use which gives off any gas or offensive odor, it shall be removed from the mine at the end of his day's work by the person using it.

Sec. 83. Inspection by oil inspector--where made--branding. The department of agriculture shall inspect and test all oil offered for sale, sold, or used for illuminating purposes in coal mines in this state, and for such purposes the inspector of said department may enter upon the premises of any person. If upon test and examination the oil shall meet the requirements made by said department, said inspector shall brand, over his official signature, the barrel or vessel holding the same, with the date and the words "Approved for illuminating coal mines". Should it fail to meet such requirements, he shall brand it over his official signature, and date, "Rejected for illuminating coal mines". All inspection shall be made within this state, and paid for by the person for whom the inspection is made at the rate of ten cents (10c) per barrel or vessel, which charge shall be a lien on the oil inspected, and be collected by the inspector. Each inspector shall be governed in all things respecting his record and returns as provided in the general law relative to inspection of petroleum products.

Sec. 84. Proceedings by inspector when law violated--costs. When any such inspector has good reason to believe that oil is being sold or used in violation of the provisions of this chapter, he shall make complaint to the county attorney of the county in which the offense was committed, who shall forthwith commence proceedings against the offender. All reasonable expenses for analyzing suspected oil shall be paid by the owner of the oil when it is found that he is selling or offering to sell impure oil in violation of the provisions of this chapter. Such expenses may be recovered in a civil action, and in criminal proceedings such expenses shall be taxed as part of the costs.

Sec. 85. Amount of electrical current permitted in mines. All wires or cables at or in any mine used for transmitting electrical current in excess of one hundred (100) volts shall be armored or insulated in so far as practicable, except trolley and all return wires or cables. But wires or cables used for conducting or transmitting current in excess of two hundred seventy-five (275) volts, shall be placed and protected for the safety of persons and animals as provided in the next section.

Sec. 86. Regulations for electrical current over two hundred seventy-five volts. All wires, cables or transformers used at or in any mine for transmitting, conducting or transforming electrical current in excess of two hundred seventy-five (275) volts shall be armored, insulated, isolated or placed so as to prevent injury to persons and animals in so far as possible consistent with the use for which such instrumentalities are intended. At the approach to a transformer, if used, there shall be displayed a sign, with the word "danger" and the number of volts of electrical current conducted, indicated thereon in large plain letters and figures, on which light shall be thrown at all times when electrical current is being conducted or transmitted.

Sec. 87. Grounding and insulation of current at motors, machines, and pumps--inspection--repair. Electric pumps and stationary electric machines, shall be insulated and grounded in their emplacement, by the use of wires or other equivalent means and inspected with such frequency and kept in such repair that contact therewith will be rendered harmless in so far as possible consistent with the use for which machinery is intended.

Sec. 88. Unlawful handling of electrical equipment. It shall be unlawful for any person to inspect, repair, handle, disturb or interfere with any of the electrical equipment or machinery of a mine except the mine inspector, operator, superintendent, mine foreman or those designated by such persons to do such work, and those whom such designated persons may request or permit to aid in the work of handling or repairing.

Sec. 89. Scales and weighers--duties--records--damages. The operator shall, if the miners are paid by weight, provide the mine with suitable scales of standard make, and require the person selected to weigh the coal delivered from the mine to take and subscribe an oath before some person authorized to administer oaths, to the effect that he will keep the scales correctly and truly balanced, and accurately weigh and a true record keep of each car delivered, which oath, with that of the checkweighman hereinafter provided for, shall be conspicuously displayed with record of weights at the place of weighing, which record shall carry the account of each miner by itself, be open to the inspection at all proper times of miners and all others having a pecuniary interest in the mine. All damages sustained on account of a failure to weigh and credit to the proper person any coal mined shall be recoverable in an action brought within two (2) years from the time the right thereto accrued, and a knowledge of a violation of this provision by the miner shall not be a defense thereto.

Sec. 90. Checkweighman--duties. The miners employed and working in any mine may furnish a competent checkweighman, who, before entering upon his duties, shall take and subscribe an oath to the effect that he is duly qualified and will faithfully discharge his duties as checkweighman, and he shall at all proper times have access to and the right to examine the scales, machinery, or apparatus used in weighing, and see all measures and weights of coal mined and the accounts kept thereof; but not more than one (1) person on the part of the miners collectively shall have this right, and such examination and inspection shall be so made as to create no unnecessary interference with the use of such scales, machinery, or apparatus.

Sec. 91. When weighed--weights--impurities. The operator shall, where the miner is to be paid by the ton or other quantity, unless otherwise agreed upon in writing, weigh the coal before screening, and the miner shall be credited at the rate of eighty (80) pounds to the bushel and two thousand (2,000) pounds to the ton, but no payment shall be required for sulphur, rock, slate, black-jack, dirt, or other impurities which may be loaded or found with the coal.

Sec. 92. Paydays--failure to pay--damages--attorney fee. All wages shall be paid in money upon the demand semi-monthly, by paying the amount earned during the first fifteen days (15) of each month not later than the first Saturday after the twentieth of said month, and for those earned after the fifteenth of each month not later than the first Saturday after the fifth of the succeeding month. A failure or refusal to make payment within five (5) days after demand shall entitle the laborer to recover the amount due him, and one dollar (\$1.00) per day additional, not exceeding the amount due, for each day such payment is neglected or refused, and in any action therefor the court shall tax as a part of the costs a reasonable attorney fee to plaintiff's attorney.

Sec. 93. Wages how paid--coercion prohibited. The operator shall not sell, give, deliver, or issue, directly or indirectly, to any person employed, in payment for labor due or as advances for labor to be performed, any script, check, draft, order, or other evidence of indebtedness payable or redeemable otherwise than in money at its face value. He shall not compel or in any manner endeavor to coerce any employee to purchase goods or supplies from any particular person, firm, company, or corporation, but upon demand all wages shall be paid in money as provided in the preceding section.

Sec. 94. Annual reports--what to contain. The operator of any mine shall, on or before the first day of February in each year, send to the office of the inspector of the district where the mine is located, upon blanks furnished by the state, a correct return with respect to the year ending January first of each year showing the quantity of coal mined and the number of persons ordinarily employed at, in, and around such mine, designating the number of persons below and above ground, and such other information as required by such blank.

Sec. 95. Uniform reports. The inspectors shall prepare uniform blanks which shall be used in all cases where reports are required to be made to the district mine inspectors or the inspectors at their general office.

Sec. 96. Report of accidents. Forthwith upon the happening of any accident resulting in the death of an employee, the operator shall report the same by mail or otherwise to the mine inspector of the district and the coroner of the county in which the accident happens. In all other cases of personal injury, not resulting in death, the operator shall make a report to the mine inspector of the district upon a standard form provided by the inspector for that purpose, containing a detailed statement of the extent of the injury and the manner in which it occurred.

Sec. 97. Failure to provide for safety of employees. In addition to any and all other remedies, if any owner or person in charge of any mine shall fail to provide any of the appliances specified in this chapter for the safety of the employees, or the appliances provided do not conform to such requirements, or such owner or agent shall neglect, for twenty (20) days after notice given in writing by the mine inspector of such failure to remedy the same, such inspector may apply to the district court, or any judge thereof, in an action brought in the name of the state, for writ of injunction to restrain the working of the mine with more persons than are necessary to make the improvements needed and prevent deterioration of the mine, until such appliances have been supplied. In case an injury happens to those engaged in work because of such failure, the negligence of such operator shall be held to be the proximate cause of such injury.

Sec. 98. Changes not covered by statute--order of inspector--refusal to obey--petition. In all cases not covered by statute when it is found necessary that some change, improvement, or device is required to reasonably secure the safety or health of the employees of any mine, and the operator neglects or refuses to make the change or improvement or supply the device needed within a reasonable time after written notice so to do given by the inspector of the district in which the mine is located, the inspector shall file a verified petition with the clerk of the district court of the county where the mine is located setting forth all such facts and asking a mandatory writ to compel the making of such improvements.

Sec. 99. Notice of time and place of hearing. Such inspector shall give five (5) days' notice to the accused in the same manner as original notices are served, stating the time and place and the name of the judge before whom the case will be tried. The accused party shall be required to appear at the time and place mentioned in the notice, which may be at any place convenient for the judge in the judicial district.

Sec. 100. Title of proceeding--time to plead--how tried. The proceeding shall be entitled the state of Iowa as plaintiff and the operator as defendant, who shall plead on or before noon of the fourth day after notice. At the time and place fixed in the notice the case shall be heard and tried by the judge in equity, who shall make such order as the evidence warrants.

Sec. 101. Witnesses--court may suspend operation. The clerk of the district court where such petition has been filed shall issue subpoenas at the request of either party, and witnesses shall be required to respond thereto as in other cases, and it shall be the official duty of the county attorney to represent the plaintiff in all matters pertaining to such proceeding. Pending such proceeding the judge may, if he deems it advisable for the safety of the employees, order the mine closed until such hearing is completed, and if changes are ordered, then till such changes are made.

Sec. 102. Burden of proof--final order. The burden of proof shall rest upon the plaintiff to show that the proposed change, improvement, or device is reasonably required for the safety or health of the employees. If the evidence in the whole case shows that the proposed change, improvement, or device is necessary for the purposes intended, the judge shall forthwith issue a mandatory order specifying the improvements required and the time within which they shall be made, and enter the same of record in the district court of the county in which the mine is located.

Sec. 103. Contempt of court--penalty. If the defendant fails to comply with the order made by the judge within the time fixed, such defendant may be charged with contempt of court, and upon conviction thereof be fined not to exceed five hundred dollars (\$500.00) and committed to the county jail until such fine is paid.

Sec. 104. Right of adjoining land owner--survey--bond. Upon affidavit of any person owning land in the vicinity of any mine, or his agents, filed with the inspector of the district stating that it is necessary for the protection of his property to know how near his land the excavations in the mine extend, the inspector shall make an examination or employ a surveyor therefor if necessary, to determine the length and direction of entries and other works toward the land of the applicant and the extent of excavation of same on all of his land, if any, and file a report thereof in his office. The inspector may in such case permit examination of such map or copies thereof as may be in his custody, for the purpose of determining the location of the workings. If it be necessary to survey the premises to discover the facts, the owner or person filing the affidavit shall first give a bond or other security to the inspector in favor of the state in the sum of one hundred dollars (\$100.00) conditioned to pay all costs and expenses incurred thereby.

Sec. 105. Expenses-- by whom paid. The necessary expenses incurred and compensation of five dollars (\$5.00) per day to the inspector for the use of the state and ten dollars (\$10.00) per day to the surveyor shall be paid by the applicant except when it shall be shown that said applicant's property has been undermined, in which case the expense shall be paid by the mine owner, operator, lessee, or person in charge.

Sec. 106. Double damages. In any case where any operator, without permission, takes coal from adjoining land, he shall be liable for double damages to the owner and for all expenses caused thereby.

Sec. 107. Violations of provisions--misdemeanors--penalties. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as hereinafter provided, respectively:

1. Any owner, operator, lessee, or person in charge of any mine, refusing or neglecting to comply with the provisions of this chapter in relation to making and furnishing to the mine inspector maps of such mine, shall be fined one hundred dollars (\$100.00) and be imprisoned in the county jail until such fine and costs are paid.

2. Any person, employer, or employee refusing or neglecting to comply with any order of the mine inspector relating to insufficient air, improper ventilation, or unsafe and improper health conditions in any mine, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

3. Any owner, operator, lessee, agent, or managing officer of any mine who shall employ any mine foreman, pit boss, or hoisting engineer who does not hold a certificate of competency from the board of examiners, except as otherwise provided in this chapter, shall be fined not exceeding five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding six (6) months, or both.

4. Any owner, lessee, operator, or agent thereof, or officer or agent of any firm or corporation violating any of the provisions of this chapter relating to the transportation and storage of powder and other explosives in and about any mine, shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty (30) days.

5. Any person, firm, corporation, or their agents or employees, violating any of the provisions of this chapter relating to inspection, selling, or offering to sell illuminating oils or any other substance for illuminating purposes to any mine, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

6. Any owner, operator, lessee, or employee of any mine violating any of the provisions of this chapter prohibiting the use or sale or permitting the use or sale of impure or adulterated oil or other substance for illuminating purposes in any mine, shall be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

7. Any owner, lessee, or operator, or any party in charge of any mine, or any weighman, or checkweighman violating any of the provisions of this chapter relating to the correct weighing and recording of the weights of coal mined at any mine shall be fined not exceeding five hundred dollars (\$500.00) or be imprisoned in the county jail not exceeding sixty (60) days.

8. Any miner, workman, or other person violating any of the provisions of this chapter relating to injuring or interfering with any air course or brattices, obstructing or throwing open doors in mines, disturbing any part of the machinery or equipment, disobeying any orders in carrying out the provisions of this chapter, riding upon a loaded car or other means of transportation in the mine except as in this chapter permitted, doing any act whereby the lives, limbs, or health of persons or the security of the mine and machinery are endangered, or neglecting or refusing to securely prop or support the roof and entries under his control, or neglecting or refusing to obey any order of the superintendent in relation to the safety of the mine in the part under his control, shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty (30) days.

Approved March 11, 1924.